

REMARKS

Claims 1 and 3-44 are pending in the instant application. Claim 2 is canceled. Claims 1 and 12-24 are amended herein. Claims 25-44 are newly added. No new matter has been added as a result of the amendments made herein.

112 Rejection

Claims 14-19 have been amended herein to obviate their rejection under 35 U.S.C. 112. Therefore, the Applicant respectfully requests the withdrawal of the rejection of these Claims.

102 Rejections

Claims 1, 3-7, 9, 12, 14-15 and 20-24 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Cao. (U.S. Patent No. 6,226,618). The Applicant has reviewed the cited reference and respectfully submit that embodiments of the present invention as are set forth in Claims 1, 3-7, 9, 12, 14-15 and 20-24 are neither shown nor suggested by Cao.

The Examiner is respectfully directed to independent Claim 1 which sets forth that an embodiment of the present invention includes a method for auditing an optical network, comprising the steps of:

...transmitting a query to a hardware device in said optical network; receiving a response to said query; analyzing said response to said query; producing a report of said response and said analysis; and transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.

Independent Claims 13 and 20 recite limitations similar to those found in Claim 1. Claims 3-7, 9 and 12 depend from Claim 1, Claims 14-15 depend from Claim 13 and Claims 20-24 depend from Claim 20. These Claims recite further features of the Claimed invention.

Cao does not anticipate or render obvious a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.” Cao only shows an optical performance monitor. Cao discloses that the therein disclosed invention provides a method and system for monitoring a composite optical signal in an optical network. As such, Cao is concerned with the monitoring of signals and not the querying of a hardware device as is claimed by the Applicant. Nowhere in the Cao reference is a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device” taught or suggested as is recited in Claim 1 (and similar limitations of Claims 13 and 20). Consequently, Cao does not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13 and 20.

Accordingly, the Applicant also respectfully submits that Cao does not anticipate or render obvious the present claimed invention as is recited in Claims 3-7, 9, 12, 14-19 and 21-24 which depend from allowable base Claims 1, 13 and 20 respectively.

103 Rejections

Claims 1, 13, and 20 are rejected under 35 U.S.C. § 103(a) as being obvious over Turban et al. (U.S. Patent No. 6,678,475) in view of Masuda (U.S. Patent No. 6,072,609) or Chuter et al. (U.S. Patent No. 5,367,394) or Cao (U.S. Patent No. 6,344,910). The Applicant has reviewed the cited reference and respectfully submit that embodiments of the present invention as are set forth in Claims 1, 13, and 20 are neither anticipated nor rendered obvious by Turban et al. in view of Masuda or Chuter et al. or Cao.

The Examiner is respectfully directed to independent Claim 1 which sets forth that an embodiment of the present invention includes a method for auditing an optical network, comprising the steps of:

...transmitting a query to a hardware device in said optical network; receiving a response to said query; analyzing said response to said query; producing a report of said response and said analysis; and transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.

Independent Claims 13 and 20 recite limitations similar to those found in Claim 1.

Turban et al. does not anticipate or render obvious a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.” Turban only shows a method of transmitting a concatenated signal. Turban discloses a method of transmitting

concatenated signals consisting of at least two component signals over an optical network that

is comprised of at least three network elements. It should be appreciated that Turban et al. is concerned with optimizing signal transmission and not the querying of a hardware device as is claimed by the Applicant. Nowhere in the Turban et al. reference is a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device” taught or suggested as is recited in Claim 1 (and similar limitations of Claims 13 and 20). Consequently, Turban et al. does not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13 and 20.

Cao does not overcome the deficiencies of the Turban et al reference outlined above. Cao does not anticipate or render obvious a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.” Cao only shows an optical performance monitor. Cao discloses that the therein disclosed invention provides a method and system for monitoring a composite optical signal in an optical network. As such, Cao is concerned with the monitoring of signals and not the querying of a hardware device as is claimed by the Applicant. Nowhere in the Cao reference is a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device” taught or suggested as is recited in Claims 1, 13 and 20.

Moreover, the Masuda and Chuter et al. references do not remedy the deficiencies of Turban et al. noted above. Neither Masuda nor Chuter et al. teaches or suggests a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device” as is recited in Claim 1 (and similar limitations of Claims 13 and 20). Consequently, Turban et al., Cao, Masuda and Chuter et al., either alone or in combination do not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13 and 20.

Claims 1-24 are rejected under 35 U.S.C. § 103(a) as being obvious over Tindal (U.S. Patent Publication No. 2002/0069275) in view of Masuda (U.S. Patent No. 6,072,609) Chuter et al. (U.S. Patent No. 5,367,394) and Cao (U.S. Patent No. 6,344,910). The applicants have reviewed the cited reference and respectfully submit that embodiments of the present invention as are set forth in Claims 1-24 are neither anticipated nor rendered obvious by Tindal in view of Masuda, Chuter et al. and Cao.

The Examiner is respectfully directed to independent Claim 1 which sets forth that an embodiment of the present invention includes a method for auditing an optical network, comprising the steps of

...transmitting a query to a hardware device in said optical network; receiving a response to said query; analyzing said response to said query; producing a report of said response and said analysis; and transmitting a second query to said hardware device, said second query based on said response to said first query, in

order to gather status information of said hardware device.

Independent Claims 13 and 20 recite limitations similar to those found in Claim 1. Claims 3-12 depend from Claim 1, Claims 14-19 depend from Claim 13 and Claims 21-24 depend from Claim 20. These Claims recite further features of the Claimed invention.

Tindal does not anticipate or render obvious a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.” Tindal only shows a global GUI interface for network operating systems. Nowhere in the Tindal reference is a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device” taught or suggested as is recited in Claim 1 (and similar limitations of Claims 13 and 20). Consequently, Tindal does not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13 and 20.

Cao does not overcome the deficiencies of the Tindal reference outlined above. Cao does not anticipate or render obvious a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.” Cao only shows an optical performance monitor. Cao discloses that the therein disclosed invention provides a method

and system for monitoring a composite optical signal in an optical network. As such, Cao is concerned with the monitoring of signals and not the querying of a hardware device as is claimed by the Applicant. Nowhere in the Cao reference is a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device” anticipated or rendered obvious as is recited in Claims 1, 13 and 20.

Moreover, the Masuda and Chuter et al. references do not remedy the deficiencies of Turban et al. noted above. Neither Masuda nor Chuter et al. teaches or suggests a method for auditing an optical network that includes transmitting a first query to a hardware device and “transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device” as is recited in Claim 1 (and similar limitations of Claims 13 and 20). Consequently, Tindal, Cao, Masuda and Chuter et al. either alone or in combination do not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13 and 20.

Accordingly, the Applicant also respectfully submits that Tindal, Cao, Masuda and Chuter et al. either alone or in combination do not anticipate or render obvious the present claimed invention as is recited in Claims 3-12, 14-19 and 21-24 which depend from allowable base Claims 1, 13 and 20 respectively.

Conclusion

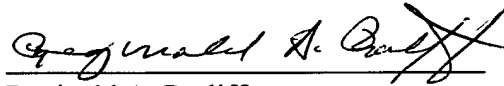
In light of the above-listed remarks, the Applicant respectfully requests allowance of the remaining Claims.

The Examiner is urged to contact the Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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